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INTRODUCTION

The Office of Internal Audit performed a limited scope review of the Juvenile Justice Assignment Unit's (JJAU) assignment process for cases received for assignment from October 1, 2000 through April 30, 2001. The JJAU assigns juveniles to residential care facilities/programs. The residential care facilities/programs are provided by either private agencies or by a Family Independence Agency public facility. The private agencies, for the most part, provide their services under a contract with the FIA. The JJAU makes the assignments under the requirements of Michigan Codified Laws (MCL) Section 400.115o.(1) and the Family Independence Agency (FIA) Juvenile Justice Residential Placement policy (CFJ 826). The law and the policy require that an assignment shall be made first to a private facility, if there are beds available, before a public facility is used. The law states: "State owned bed spaces (shall) go unused first".

The JJAU receives cases for assignment from FIA Juvenile Justice Specialists (JJS) located in a county or from the Care Management Organizations that represent Wayne County (CMO). The JJS or CMO submits a packet to the JJAU that contains information about the juvenile and helps identify the type of facility/program that is appropriate for the juvenile. The CMO, in accordance with the Memorandum of Agreement between Wayne County and the Family Independence Agency, submits an affidavit stating that none of the private agencies under contract to the CMO will accept the juvenile. The JJAU matches the juvenile information with facility/program information the JJAU received from the residential care providers. In addition to the above information, the JJAU maintains a listing of beds available at each facility/program to determine those facilities/programs that have openings.

The JJAU database contained 897 assignment records for cases received from October 1, 2000 through April 30, 2001. Any particular case could have more than one assignment

and therefore could have more than one record. Each record was considered an assignment that should have been made in accordance with the law and policy.

SCOPE

Our review included cases received for assignment from October 1, 2000 through April 30, 2001. Our limited scope review was conducted in accordance with Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

We obtained a description of the assignment process. We also obtained a copy of the database used to record the assignments received and the facility/program to which the juvenile was assigned. We selected a sample of the assignments received by the JJAU during the audit period. We reviewed the supporting documentation contained in the JJAU files to determine if the assignments were made first to a private facility, in accordance with the law and the FIA policy.

EXECUTIVE SUMMARY

Based on our limited scope review, we concluded that the records of the JJAU do not document their compliance with the policy and the law. The documentation as it is currently maintained is not adequate to verify that each assignment was done in accordance with the law and policy. However, through discussion of individual assignments with the JJAU staff and an analysis of the documentation that was available, it did appear that the JJAU was making assignments in accordance with the law and policy.

JJAU RESPONSE

The JJAU agrees with the recommendations and stated that their new management information system (JJOLT) will incorporate the data identified in the recommendations.

The JJAU, however, disagrees with our interpretation and use of their database. The JJAU states that not all records in the database should be considered assignments. They state that only some of the records are assignments that are subject to the policy time limitations and requirements identified in our Findings, and that non-assignment cases are not subject to the same policy time limitations and requirements.

NOTE

The JJAU policy does not cover assignment vs. non-assignment and their records do not identify or distinguish one from the other.

FINDINGS AND RECOMMENDATIONS

Supporting Documentation for Assignments

1. The supporting documentation for assignments made to public facilities does not document that JJAU staff verified that no private beds were available prior to making the assignment to a public facility. Of the 37 records we reviewed, 27 were assigned to a public facility/program. The JJAU staff, using the available documentation and their knowledge of conditions/parameters related to juvenile placements, reconstructed the facts that resulted in these 27 assignments to public facilities. Based on the reconstructed facts, 20 out of the 27 assignments appeared to be in accordance with the policy and law. It was not possible to tell if the remaining 7 were in accordance with the policy and law. The documentation, itself, did not support the conclusion that there were no private beds available at the time the assignment was made. In order to show that the requirements of

the law and policy are met, there must be affirmative documentation that there were no private beds available. The affirmative documentation does not exist.

WE RECOMMEND that the JJAU document that a private bed is not available whenever an assignment is made to a public facility.

10-day Requirement

2. The JJAU policy states that a facility is only selected when a juvenile can be admitted within 10 days. We determined that 266 of 897 assignment records were admitted more than 10 days after being assigned to a program/facility. For those juveniles admitted after 10 days, the supporting documentation did not describe why the 10-day policy was not followed.

WE RECOMMEND that the JJAU document compliance with the 10-day policy requirement.

Specific Placement ordered by a Judge

3. Out of the 37 assignments we reviewed, 5 were ordered into a specific facility/program by a judge. The “Residential Agency Assignment Criteria” section of the FIA policy says that an order that contains a specific agency shall be returned to the court. The court is only supposed to designate a security level and not a specific agency per the policy. There was no evidence that these orders were returned to the court and in every case, the assignment was made to the facility named in the order. The JJAU is referring these orders to the Bureau of Legal Affairs (BOL). The Bureau of Legal Affairs indicated that FIA is awaiting a decision from the Michigan Court of Appeals on whether or not a judge has authority, under the law, to make an assignment to a specific facility. The Bureau

of Legal Affairs has advised the JJAU to comply with the court orders until such time as the Michigan Court of Appeals decides otherwise.

WE RECOMMEND that the JJAU either encourage the judges to follow the law or amend the policy to reflect the current environment.

Database

4. The database used by the JJAU was not an effective tool for tracking the status of an assignment.

Of the 897 database records included in our population for review:

- 17 had an admit-date that preceded the date the case was received by the JJAU for assignment.
- 165 of the records had a blank admit-date.
- Of the 146 records that appeared as a return on the database, 5 do not show a final disposition.

The facility/program names used to identify the assignments in the JJAU database were not edited for accuracy. It was not always possible to tell the specific program/facility to which an assignment was made. Some programs/facilities were identified by multiple names. There is detailed information available such as contact number, provider number, program name, service code, and building/wing that could be used to identify the facility/program. This information, however, was not used to identify the assignments.

WE RECOMMEND that the JJAU modify the database so that the status of an assignment can be readily determined.

WE ALSO RECOMMEND that the JJAU clearly identify the program/facility by recording the more detailed information on their database when it is available.

Vacancy Sheets

5. The vacancy sheets maintained by JJAU were not dated, and therefore could not be used to document available beds at a specific point in time. The JJAU is required by policy to maintain daily vacancy sheets that show the beds available at each facility/program. The facilities/programs are responsible for providing this information to the JJAU, and updating it whenever their vacancy number changes.

WE RECOMMEND that the JJAU maintain dated vacancy sheets and documentation that explicitly shows whether or not there were private beds available when each assignment was made.